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11/9/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Pamela Boyer

Serial No.: 09/639,055

Group Art Unit 3634

Filed: August 5, 2000

Examiner: A. Chin Shue

For: "Safety Harness"

Date: October 29, 2002

To the Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Box: Appeals

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SUPPLEMENTAL APPEAL BRIEF

GROUP 3600

Sir:

This is a Supplemental Appeal Brief following Notice of Appeal mailed by the applicant on January 14, 2002 and received in the USPTO on February 13, 2002. The Supplemental Appeal Brief is responsive to the Notification of Non-Compliance issued by the Patent Office on May 7, 2002.

Please amend Part 4 of the Appeal Brief to read as follows:

4. STATUS OF AMENDMENTS

An amendment to obviate Section 112, second paragraph rejection was filed subsequent to final rejection. Claims 1 and 3 were amended. Claims 22 and 23 were added. In the Advisory Action of November 6, 2001, Examiner Alvin C. Chin-Shue indicated that the amendments subsequent to filing rejection will be entered.

Please amend Part 7 of the Appeal Brief to read as follows:

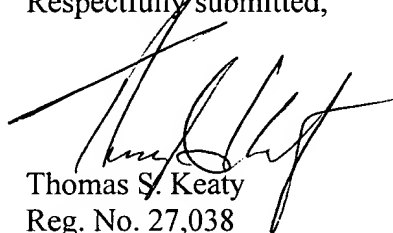
7. GROUPING OF CLAIMS

In the Final Action and in the Advisory Action, Examiner grouped Claims 1-4, 22 and 23 together. The applicant believes that Claims 2, 3, 22 and 23 contain independently patentable

subject matter because Claim 2 recites provision of an elastomeric resilient portion adjacent an apex of each shoulder strap; Claim 3 recites provision of a permanent attachment of the resilient suspender assembly to the shoulder straps; Claim 22 recites that the front ends of the first and second branches of the resilient suspender assembly are fixedly attached specific locations on the shoulder straps; Claim 23 recites that the front ends of the resilient suspender assembly are stitched to respective shoulder straps. For reasons explained in more detail in Part 8 of the Appeal Brief, the applicant submits that these features are not disclosed, taught or suggested by any of the cited prior art references.

It is believed that all requirements indicated in the Notice of Non-Compliance have been satisfied and favorable consideration of the applicant's Appeal is respectfully requested.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to:

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On: 10/29/02

By: Debra Hom
Debra Hom



APPENDIX

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Claims involved in the appeal:

1. A safety harness, comprising:

a body harness assembly positionable on a user's body, the body harness assembly comprising a left shoulder strap and a right shoulder strap, said shoulder straps crossing in a back side of the body harness, while sliding through a lanyard securing member;

a resilient suspender assembly having a first branch and a second branch, a front end of the first branch being fixedly attached to the left shoulder strap, a front end of the second branch being fixedly attached to the right shoulder strap, a back end of the first branch and a back end of the second branch being fixedly attached to the lanyard securing member positioned centrally with respect to the left shoulder strap and the right shoulder strap on the back side of the body harness;

said left shoulder strap and said right shoulder strap each having a first non-resilient portion configured to extend from about a waistline of a user to about a shoulder level of the user, a second resilient stretchable portion co-extensively fixedly attached to the first portion and configured to extend over a shoulder of the user and a third non-resilient portion co-extensively fixedly attached to the second portion and configured to extend along a back of the user to about the waistline of the user .

2. The device of Claim 1, wherein each of said second portions of said left shoulder strap and said right shoulder strap is an elastomeric resilient portion located adjacent an apex of the shoulder strap.

3. The device of Claim 1, wherein said first branch and said second branch of the suspender assembly is sewn to said left shoulder strap and said right shoulder strap respectively.

4. The device of Claim 1, wherein said body harness further comprises a belt for encircling the user's waist, and wherein each of said shoulder straps terminates at said belt.

22. The device of Claim 1, wherein said front end of the first branch is fixedly attached to the left shoulder strap below said second portion and wherein said front end of the second branch is fixedly attached to the right shoulder strap below said second portion.

23. The device of Claim 22, wherein said front end of the first branch is stitched to the left shoulder strap and the front end of the second branch is stitched to the left shoulder strap and to the right shoulder strap.